



and in the course of employment. In this case, the disputed finding might be described as a finding as to the nature and extent of disability. The Appeals Board, however, considers the central dispute to be whether claimant has proven an accidental injury arising out of and in the course of employment. That issue may be reviewed.

Claimant alleges that she injured her back on October 21, 1996, while opening a pie cooler to get out a bottle of ketchup. The ALJ expressly found claimant was not credible. As indicated in prior decisions, the Board generally defers to the evaluation of credibility by an ALJ who has observed the witness testify as the ALJ did in this case. Other factors also support the ALJ's evaluation of credibility in this case. Co-workers contradicted claimant's version of the events. Contemporaneous medical records did not support the claim. Claimant also gave an incorrect history to the physician appointed to conduct the independent medical examination. For these combined reasons, the Appeals Board concludes the decisions by the ALJ should be affirmed.

**WHEREFORE**, the decision by Administrative Law Judge Bruce E. Moore, dated December 15, 1997, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1998.

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BOARD MEMBER

c: Kerry McQueen, Liberal, KS  
William L. Townsley III, Wichita, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director